



W.P(MD)No.3751 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.3751 of 2023**

K.Master Stalin

... Petitioner

Vs

1.The District Revenue Officer,  
Kanyakumari District,  
Kanyakumari.

2.The Taluk Supply Officer,  
Kalkulam,  
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to release the Vehicle (Lorry) bearing Registration No. TN-74Q-2059 to the petitioner, on the basis of the petitioner's representation dated 09.02.2023.

For Petitioner : Mrs.Elis Chitra Devi

For Respondents : Mr.M.Lingadurai  
Special Government Pleader



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## **ORDER**

Heard the learned counsel on either side.

2.The learned Special Government Pleader brought to my notice that the petitioner has involved in a previous case in the same nature. However, the petitioner has filed an affidavit with an undertaking that he will not breach the provisions of essential commodities Act. The affidavit filed by the petitioner is taken on record. It is made clear that if this undertaking is breached, the order now passed will be recalled and the petitioner will have to surrender custody of the vehicle. The petitioner will also liable for consequence of contempt of Court.

3.No purpose will be served in keeping the vehicle under the custody of the respondents. The Hon'ble Supreme Court in the decision reported in (2002) 10 SCC 283 (Sunderbhai Ambalal Desai and Others V. State of Gujarat) has held as follows:-

*“17.In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said*



*vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.*

4. Therefore, the second respondent is directed to grant interim custody of the said vehicle to the petitioner subject to the following conditions:-

a) The petitioner shall pay a sum of Rs.10,000/- towards cost in the bank Account Number of the Chairman, District Legal Services Authority, Srivilliputhur (Ac No. 233302000000100, IFSC Code – IOBA0002333), Indian Overseas Bank, Athikulam, Senkulam). It will be a non-refundable payment.

b) The learned Principal District Judge, Virudhunagar is directed to withdraw the aforesaid deposited amount and spend the same for the welfare of Lalitha, the captive elephant now in the custody of the Forest Department, Virudhunagar. It can be towards the purchase of nutritious diet / medicines / Mahouts' salary or any other measure for the benefit of the elephant.

c) The petitioner shall not alienate or encumber the vehicle till the proceedings are completed.

d) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle. If the petitioner is an agreement holder, he can produce the relevant xerox copies.



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e) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

5. Upon completion of these formalities, the respondents shall grant interim custody of the vehicle forthwith to the petitioner without any delay. If this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim custody of the vehicle in future. The Writ Petition is allowed accordingly. I make it clear that allowing of this writ petition will not have any bearing on the confiscation proceedings that may be initiated by the authorities. No costs.

**27.02.2023**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
MGA/SKM

**Note: Issue Order Copy on 01.03.2023.**

To

1. The District Revenue Officer, Kanyakumari District, Kanyakumari.
2. The Taluk Supply Officer, Kalkulam, Kanyakumari District.

Copy to:-  
The Principal District Judge, Virudhunagar.



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**G.R.SWAMINATHAN, J.**

MGA/SKM

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